

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
SSA Marine	)	File No.: EB-FIELDWR-19-00028709
Licensee of Radio Station WQVE621	)	FRN: 0024009144
	)	
Seattle, Washington	)	
	)	

**NOTICE OF VIOLATION**

**Released: May 8, 2019**

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to SSA Marine (SSA), licensee of radio station WQVE621 in Seattle, Washington. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On March 20, 2019, an Agent of the Enforcement Bureau's Portland Office investigated a co-channel interference complaint on frequency 463.950 MHz. The Agent observed the following violations:

a. 47 C.F.R. § 90.403(c): "Except for stations that have been granted exclusive channels under this part ..., each licensee must restrict all transmissions to the minimum practical transmission time..." SSA's station license is authorized under FB2 license class and is not authorized to use frequency 463.950 MHz on an exclusive basis. The FCC Agent determined that SSA transmitted on frequency 463.950 MHz on a continuous basis for periods in excess of an hour.<sup>3</sup>

b. 47 C.F.R. § 90.403(e): "Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference." The FCC Agent determined that SSA caused harmful interference to co-channel users because it operated its station on a continuous basis, blocking all communications.<sup>4</sup>

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> 47 CFR § 90.403(c).

<sup>4</sup> 47 CFR § 90.403(e).

c. 47 C.F.R. 90.187(b): “Except as provided in paragraphs (c) and (d) of this section, trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid harmful interference to other systems”. SSA’s monitoring equipment was insufficient, causing harmful co-channel interference to other users on frequency 463.950 MHz.<sup>5</sup>

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>6</sup> and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, SSA must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>7</sup>

4. In accordance with Section 1.16 of the Rules, we direct SSA to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of SSA with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,<sup>8</sup> and confirming that all of the information requested by this Notice which is in the SSA’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>9</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission  
Los Angeles Regional Office  
11331 183<sup>rd</sup> Street, PMB #365  
Cerritos, CA 90703  
Email: [Field@FCC.gov](mailto:Field@FCC.gov)

6. This Notice shall be sent to SSA Marine, Attn: Dennis Boelke, 1131 SW Klickitat Way, Seattle, Washington 98134, with a copy to Bearcom, Attn: Ken Scott, 8584 Venice Blvd., Los Angeles, California 90034.

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<sup>5</sup> 47 CFR § 90.187(b).

<sup>6</sup> 47 U.S.C. § 308(b).

<sup>7</sup> 47 CFR § 1.89(c).

<sup>8</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

<sup>9</sup> 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

7. The Privacy Act of 1974<sup>10</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau

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<sup>10</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).